

**REMARKS**

Claims 1 through 21 and new Claims 22 through 24 are pending in the application.

Claim 1 has been amended to emphasize advantageous embodiments in which the inventive food casings include a single-layered transfer coating. Support for this amendment can be found in the Application-as-filed, for example on Page 8, line 25 through Page 9, line 27.

Claim 5 has been cancelled in conformance with Claim 1 as-amended.

Claim 16 has been amended to incorporate the subject matter of Claim 17. Accordingly, Claim 17 has been cancelled.

Claim 21 has been canceled, without prejudice or disclaimer to the filing of continuing applications thereon.

Claims 22 through 24 have been added to complete the record for examination and highlight particularly advantageous embodiments of the invention.

Claim 22 is directed to inventive food casings in which the transfer coating further comprises a crosslinker, citrate, smoke treatment or has been heated to impart water insolubility. Support for Claim 22 can be found in the Application-as-filed, for example on Page 4, line 36 through Page 5, line 3.

Claim 23 is directed to advantageous inventive food casings in which (i) the aroma substance, dye and/or flavoring is pepper, curry spice, paprika aroma, dried smoke, liquid smoke, liquid grill aroma, herbs, freeze-dried and comminuted vegetables, ground nuts, grains, cheese particles, air-dried honey, caramel, cinnamon, marinades, dextrose, or enzymes or microorganisms which produce enzymes promoting digestion and (ii) a layer made of an essentially water-soluble material is arranged between the textile support layer and the

transferable edible coating. Support for Claim 23 can be found in the Application-as-filed, for example in Claims 1, 4 and 5.

Claim 24 is directed to advantageous embodiments in which the transferable edible coating is crosslinked. Support for Claim 24 can be found in the Application-as-filed, for example on Page 6, lines 6 through 10.

Applicants respectfully submit that this response does not raise new issues, but merely places the above-referenced application either in condition for allowance, or alternatively, in better form for appeal. Reexamination and reconsideration of this application, withdrawal of all rejections, and formal notification of the allowability of the pending claims are earnestly solicited in light of the remarks which follow.

*Obviation of 112 Rejection*

Claim 21 stands rejected over the use of mixed transitional phrases. Applicants respectfully submit that the incorporation of mixed transitional phrases is accepted under United States practice. However, without further addressing the merits of the rejection and solely to advance prosecution of the case, Claim 21 has been canceled.

*The Claimed Invention is Patentable*  
*in Light of the Art of Record*

Claims 1 through 4, 6, 7, 10 through 12, 13, 14, 15 through 17 and 19 through 21 stand rejected over published European Patent Application EP 408164 (EP 164) to Ito et al. Claims 1 through 3, 5 through 10, 15, 16 and 18 stand rejected over United States Patent No. 5,085,890 (US 890) to Niaura.

Applicants respectfully submit that the cited references do not teach or suggest the claimed invention.

EP 164 is directed to food transfer sheets that include a web, a "size" layer, and a separate food material layer . (Figure 1 and Page 2, lines 27 – 29). The size layer is expressly noted as water soluble. (Page 3, lines 22 -23) EP 164 particularly teaches a matrix layer (1), a size layer (2) and a superimposed food material layer (3). (Figure 1 and Page 2, lines 29 – 31).

The water soluble size layer is subsequently weakened by processing moisture, allowing transfer. (Page 3, lines 26 – 28). As correctly alluded to by the Examiner on Page 4, Ref. No. 8, EP 164 indicates that the food material is deposited onto the surface of the sized matrix and subsequently fixed thereon. (Page 3, lines 33 – 36). EP 164 notes that the food material is preferably uniformly “deposited on” the sized web. (Page 3, lines 37 – 38). As noted by the Examiner, the food material layer is applied onto the surface of the size layer by dusting or the like, the web is then passed over a roll, and subsequently dried. (Page 3, lines 31 – 42). The working examples indicate that a duster is used to sprinkle food material on the surface of the size layer. (Page 4, lines 19 – 51). Working Example 1 applies 150 g/m<sup>2</sup> of herring roe onto a 40 gm/m<sup>2</sup> layer of pullulan sizing. (Page 4, lines 19 – 30).

Applicants respectfully reiterate that EP 164 does not teach or suggest the claimed invention.

EP 164, expressly teaching its food material as a separate layer, specifically does not teach or suggest the recited coatings comprising a mixture of edible binder and solids or flavorings, as recited in the claimed invention. In contrast to the urgings of the Office Action, the purportedly “embedded” food material of EP 164 would not be considered by one skilled in the art to be a “mixture.” Mixtures are generally defined as two or more different substances which are mixed together, but not combined chemically. Applicants respectfully submit that the

“dusting” of EP 164 can not be imputed to mean “mixing,” and that Figure 1 of EP 164 instead clearly indicates the presence of two separate layers.

EP 164, requiring water soluble resins, also fails to teach or suggest such coatings that are essentially water-insoluble, as further recited in the claimed invention. Applicants further respectfully make of record that “insoluble” is clearly defined within the Application-as-filed on Page 4, lines 33 through 36, as meaning a layer that “remains essentially intact even after the action of moisture.”

And EP 164, requiring a two-layered transfer mechanism, most certainly does not teach or suggest a single-layered transfer coating formed from a mixture of an edible binder and solid aroma substances and/or liquid aroma substances, dyes and/or flavorings, as recited in Claim 1 as-amended. As noted above, Figure 1 instead clearly requires the presence of a two layered transfer structure.

Nor does EP 164 teach or suggest transfer layers further including crosslinker, as recited in newly added Claim 22. Applicants respectfully submit that EP 164, requiring water solubility, instead strongly teaches away from crosslinkers and the like.

As correctly indicated by the Examiner, EP 164 also fails to teach or suggest inventive food casings incorporating a layer made of an essentially water-soluble material arranged between the textile support layer and the transferable edible coating, as recited in newly added Claims 23 and 24.

Applicants additionally respectfully note that EP 164 likewise fails to teach or suggest the advantageous incorporation of both a water-soluble layer and an essentially water-insoluble layer within the inventive food casings, as further recited in Claims 23 and 24.

Accordingly, Applicants respectfully submit that EP 164 does not teach or suggest the claimed invention, considered either alone or in combination with the remaining art of record.

Applicants respectfully reiterate that US 890 is directed to film-based casings having a transferable, water-soluble printing. (Col. 1, lines 25 – 32; Col. 6, lines 24 – 42 and Col. 18, lines 14 - 40). The casings of US 890 may further include paper reinforcement. (Col. 6, lines 48 – 49). Similar to EP 164, the water-soluble printing is disposed as an individual layer, generally between a binder-sealant layer and the casing. (Col. 3, lines 30 – 45 and Col. 4, lines 23 - 27). US 890 expressly notes that the inner surface of the binder-sealant layer is bonded to the food and the colorant is adhered to the outer surface of the binder-sealant layer. (Col. 5, lines 25 – 30). US 890 alternatively teaches embodiments in which the printing is disposed between two layers of binder sealant. (Col. 10, lines 35 – 52).

Applicants respectfully submit that US 890 does not teach or suggest the claimed invention.

US 890, disclosing a printed layer applied to a binder-sealant layer, specifically does not teach or suggest a single-layered transfer coating formed from a mixture of an edible binder and solid aroma substances and/or liquid aroma substances, dyes and/or flavorings, as recited in Claim 1 as-amended. US 890 instead teaches away from the claimed invention by requiring an at least two layered transfer structure, i.e. a printed layer and at least one layer of binder-sealant.

US 890, whose impetus is the printing of film-based casings, further does not teach or suggest the recited textile support layers, much less such textile supports comprising a coating. The Examiner correctly indicates on Page 5, Ref. No. 12 of the outstanding Office Action that the casings of US 890 can be made from cotton or wood pulp. Applicants respectfully submit that the cotton or wood pulp raw material is subjected to a number of process steps that dissolve the cellulose structure and transform it into an extrudable cellulose solution, as further described in US 890 at Col. 6, lines 35 through 40.

As correctly indicated by the Examiner, US 890 also fails to teach or suggest inventive food casings incorporating solid or liquid aroma substance, dye and/or flavoring comprising pepper, curry spice, paprika aroma, dried smoke, liquid smoke, liquid grill aroma, herbs, (freeze-) dried and comminuted vegetables, ground nuts, grains, cheese particles, air-dried honey, caramel, cinnamon, marinades, dextrose, or enzymes or microorganisms which produce enzymes promoting digestion, as recited in newly added Claims 23 and 24.

Applicants additionally respectfully note that US 890 likewise fails to teach or suggest the advantageous incorporation of both a water-soluble layer and an essentially water-insoluble layer within the inventive food casings, as further recited in Claims 23 and 24.

Accordingly, Applicants respectfully submit that US 890 likewise does not teach or suggest the claimed invention, considered either alone or in combination with the remaining art of record.

### **CONCLUSION**

It is respectfully submitted that Applicants have made a significant and important contribution to the art, which is neither disclosed nor suggested in the art. It is believed that all of pending Claims 1 through 4, 6 through 16, 18 through 20 and 22 through 24 are in condition for allowance. It is requested that the Examiner telephone the undersigned if any questions remain to expedite examination of this application.

It is not believed that extensions of time or fees are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time and/or fees are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required is hereby authorized to be charged to Deposit Account No. 50-2193.

Respectfully submitted,

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